

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ROBERT KOLINEK, individually and on behalf  
of all others similarly situated,

*Plaintiff,*

vs.

WALGREEN CO., an Illinois corporation,

*Defendant.*

Case No. 13-cv-4806

Honorable Matthew F. Kennelly

**DEFENDANT WALGREEN CO.'s MOTION FOR LEAVE TO RESPOND**

Pursuant to this Court's instructions on July 22 and July 31, 2014, requesting a citation to a regulation adopted by the FTC, Walgreen Co. ("Walgreens") submitted a single, seven line paragraph directing the Court's attention to 16 C.F.R. § 310.4(b)(1)(v)(D). *See* ECF No. 61. At oral argument on the motion to dismiss, Plaintiff had been instructed to file "something of equal length." Ex. B. to ECF No. 63 (Tr. of July 22, 2014 Hearing, at 26:22). On August 5, Plaintiff submitted a four page brief, making arguments well beyond the FTC regulation and accusing Walgreens of "an incredibly misleading statement" in the submission stricken by the Court as "an unauthorized supplemental brief." ECF No. 63 at 2; ECF No. 59. If the Court entertains Plaintiff's brief, Walgreens respectfully requests leave to file a response of equal length within five days of an order granting this request.

Dated: August 8, 2014

Respectfully submitted,

/s/ Bradley J. Andreozzi

Bradley J. Andreozzi (ARDC No. 6257334)

[bradley.andreozzi@dbi.com](mailto:bradley.andreozzi@dbi.com)

Justin O. Kay (ARDC No. 6286557)

[justin.kay@dbi.com](mailto:justin.kay@dbi.com)

**DRINKER BIDDLE & REATH LLP**

191 North Wacker Drive, Suite 3700

Chicago, IL 60606-1698

Tel: (312) 569-1000

Fax: (312) 569-3000

*Counsel for Defendant Walgreen Co.*